

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

_____	)	
ELI LILLY AND COMPANY,	)	
	)	
Plaintiff,	)	
v.	)	
	)	
ACTAVIS ELIZABETH LLC,	)	Civil Action No. 2:07-3770 (DMC)(MF)
GLENMARK PHARMACEUTICALS	)	
INC., USA, SUN PHARMACEUTICAL	)	
INDUSTRIES LIMITED, SANDOZ INC.,	)	
MYLAN PHARMACEUTICALS INC.,	)	
APOTEX INC., AUROBINDO PHARMA	)	
LTD., TEVA PHARMACEUTICALS	)	
USA, INC., SYNTHON LABORATORIES,	)	
INC., ZYDUS PHARMACEUTICALS,	)	
USA, INC.,	)	
Defendants.	)	
_____	)	

~~PROPOSED~~ STIPULATED ORDER REGARDING EXHIBITS

WHEREAS, from May 18, 2010, through May 27, 2010, the parties in the above-captioned case participated in a bench trial before the Court;

WHEREAS, during trial, certain exhibits were accepted into evidence, offered for demonstrative purposes only or judicially noticed. Specifically:

Exhibits Admitted as Affirmative Evidence:

DTX 1, 2, 3, 6, 7, 8, 18, 19, 20, 22, 23, 24, 25 26, 28, 32, 33, 34, 38, 42, 47, 52, 55, 59, 61, 66, 67, 86, 93, 95, 107, 112, 129, 133, 160, 165, 166, 202, 205, 210, 211, 212, 215, 216, 224, 313, 314, 318, 319, 324, 325, 354, 367, 374, 403, 413, 418, 421, 427, 428, 431, 436, 449, 472, 534, 554, 560, 561, 563

PTX 1, 2, 3, 5, 6, 186, 293, 300, 301, 371, 621, 635, 636, 722, 737, 760, 913, 914, 1140, 1296, 1388, 1411, 1412, 1415

LDX 4.12, 4.13

Exhibits Offered as Demonstrative Evidence Only:

LDX 4.1-4.11 and 4.15-4.20 (Pliszka demonstratives)  
DTX 562 (Johnson demonstrative slides 22-25, 27, 28, 30-32, 35, 36, 38-40)  
DTX 564 (Berridge demonstratives, including animations)  
DTX 565 (Staller demonstratives)  
DTX 566 (Boghigian demonstratives)  
DTX 567 (Goolkasian demonstratives)

Judicially Noticed Exhibits:

PTX 1406, 1407, 1408;

WHEREAS, based on the Court's instructions during trial, the parties sought to reach a global agreement on the admissibility of additional exhibits identified by any party;

WHEREAS, to facilitate the parties' agreement to admit the exhibits identified by any party, and to avoid burdening the Court with the task of ruling upon each and every objection to the exhibits identified by the parties, the parties agreed to the admissibility of the additional exhibits subject to the stipulations below.

IT IS HEREBY STIPULATED AND AGREED by the parties, subject to approval of the Court, through their undersigned attorneys, that the following additional exhibits shall be admitted as affirmative evidence:

LDX 4.14;

PTX 21, 28, 31, 32, 36, 37, 46, 48, 56, 57, 58, 59, 60, 66, 71, 72, 76, 77,  
78, 79, 80, 81, 83, 86, 87, 93, 102, 104, 119, 120, 127, 128, 129, 130, 132,  
135, 153, 154, 156, 159, 160, 162, 163, 164, 165, 166, 171, 172, 173, 174,  
175, 176, 177, 178, 179, 180, 181, 189, 190, 191, 192, 193, 197, 200, 203,  
204, 206, 207, 208, 209, 212, 213, 214, 215, 216, 217, 218, 219, 220, 223,  
224, 226, 228, 229, 237, 239, 240, 241, 242, 244, 247, 248, 250, 251, 254,  
255, 257, 259, 262, 264, 271, 274, 275, 276, 277, 280, 288, 291, 302, 303,  
304, 306, 313, 314, 315, 318, 319, 320, 321, 322, 325, 332, 333, 334, 335,  
336, 337, 338, 339, 340, 341, 343, 345, 346, 347, 348, 349, 350, 351, 352,  
353, 354, 355, 368, 369, 370, 381, 447, 542, 544, 554, 556, 559, 560, 562,  
566, 632, 744, 754, 892, 1295, 1405;

DTX 21, 31, 36, 37, 39, 40, 43, 44, 50, 65, 70, 79, 83, 85, 91, 106, 117, 121, 132, 134, 135, 137, 138, 146, 147, 148, 152, 153, 163, 164, 169, 170, 171, 172, 173, 175, 182, 183, 191, 197, 198, 203, 204, 206, 207, 219, 225, 228, 230, 231, 232, 233, 234, 246, 250, 252, 254, 255, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 274, 275, 278, 279, 282, 285, 286, 290, 292, 295, 315, 316, 317, 320, 321, 323, 326, 327, 328, 329, 330, 331, 332, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 359, 363, 366, 372, 373, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 396, 398, 400, 408, 414, 415, 416, 419, 420, 422, 423, 424, 425, 426, 430, 432, 434, 435, 438, 439, 440, 442, 443, 444, 445, 447, 448, 451, 452, 453, 454, 460, 461, 464, 492, 493, 510, 511, 513, 514, 515, 518, 519, 520, 521, 522, 524, 525, 530, and 531.

IT IS HEREBY STIPULATED AND AGREED by the parties, subject to approval of the Court, through their undersigned attorneys, that the following additional exhibit shall be offered as demonstrative evidence only:

DTX 559 (Marked version of LDX 4.18 used during cross-examination of Dr. Pliszka)  
DTX 568 (Berridge Redirect demonstratives).

IT IS HEREBY STIPULATED AND AGREED by the parties, subject to approval of the Court, through their undersigned attorneys, that the parties' agreement on the exhibits identified above does not:

1. Waive any party's ability to move to strike, as part of the post-trial submissions made pursuant to the directions of the Court, any of the exhibits pursuant to the Court's direction at trial;
2. Constitute an admission by any party that an exhibit constitutes prior art; and/or
3. Waive any party's previously-identified objection(s) to deposition testimony designated as part of the Final Pretrial Order submitted to the Court on April 19, 2010.

SO ORDERED:

Date: 6/30, 2010

  
\_\_\_\_\_  
HONORABLE DENNIS M. CAVANAUGH  
UNITED STATES DISTRICT COURT JUDGE

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